IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14138 of 2004

Between:

E.B. Vijaya Kumari, W/o Suresh Babu, aged about 40 years,
Gudur, Nellore District, (Under orders of promotion as School Assistant . . (Social).

..... PETITIONER

AND

1 The District Educational Officer, Nellore.
2 The Commissioner & Director of School Education, A.P. Hyderabad.
3 The Regional Joint Director of School Education, Guntur.
4 The Chairman, Board of Education, S.A.L.C. Jeevagram, Renigunta, Chittoor District.
5 The Correspondent, S.M.G. Girls High School, Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the impugned Proc.Rc.No. 6903-B7/02, dated 16-5-2004 issued by the District Educational Officer, Nellore as illegal arbitrary discriminatory, unjust and violative of Articles 14 and 21 of the Constitution and hold that the proposals submitted by the Correspondent , S.M.G. Girls High School, Gudur for approval of her promotion as School Assistant (Social Studies) vide letter dated 16-11-2002 is perfectly legal, valid and in order with all consequential benefits.

Counsel for the Petitioner:MR.D.BALA KISHAN RAO

Counsel for the Respondent No.1 to 3: GP FOR EDUCATION

None appeared for Respondents 4 and 5

The Court made the following :

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ORDER:

The petitioner is working as a Secondary Grade Teacher in the 5th respondent School. She contends that she acquired all the qualifications to be considered for promotion as B.Ed., School Assistant (Social). The petitioner contends that the Correspondent of the 5th respondent School forwarded a proposal on 16-11-2002 to the 3rd respondent through the 1st respondent seeking permission to promote the petitioner as a School Assistant (Social).

The grievance of the petitioner is that the respondents no. 1 and 3 did not pass any orders till now on the recommendations made by the 5th respondent.

The learned counsel for the respondents 1 to 3 represented that as per the proceedings of the Director of School Education, dated 3-6-1995, the District Educational Officer is empowered to reject the defective proposals. The counsel for the respondents, therefore, submits that in pursuance of the proceedings of the Director of School Education, dated 3-6-1995, the 1st respondent considered the proposal made by the 5th respondent and passed an order in R.C.No. 6903/B7/02, dated 16-5-2004 which reads as follows:-

> *"I invite your attention to the reference Ist read above, the correspondent of S.M.G. High School, Gudur has submitted promotion proposals in respect of Smt. E.B.Vijaya Kumari, S.G.T. as B.Ed., Asst., (S.S.) in S.M.G. High School, Gudur.*
>
> *Then the Deputy Educational Officer, Gudur has visited the School and submitted his detailed recommendations report along with combined seniority list which is duly countersigned by him to this*

Office in the reference 2nd read above.

As seen from the common Seniority list countersigned by the Deputy Educational Officer, Gudur, Smt. B.S.B. Manjari stands Senior for promotion as B.Ed., Asst. (S.S.) Hence, the proposals for promotion in respect of Smt. E.B. Vijayakumari can not be considered and returned herewith the proposals of promotion in respect of Smt. E.B. Vijayakumari, Secondary Grade Teacher of S.M.G. High School, Gudur."

Since, the 1st respondent found the proposal not in accordance with the procedure, categorically observed that it cannot be considered and returned the said proposal to the 5th respondent. Since, no proposal is pending either with the 1st respondent or with the 3rd respondent, the question of issuing any direction to those respondents to consider the proposal regarding the promotion of the petitioner does not arise. It is for the petitioner to pursue the matter at the level of the management of the 5th respondent by making such representation as she deems fit.

In the light of the above circumstances, the Writ Petition cannot be maintained. Hence, the Writ Petition is dismissed. No order as to costs.

Dr. G.Yethirajulu, J.

10th September, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Educational Officer, Nellore.
2 The Commissioner & Director of School Education, A.P. Hyderabad.
3 The Regional Joint Director of School Education, Guntur.
4 The Chairman, Board of Education, S.A.L.C. Jeevagram, Renigunta, Chittoor District.

5. The Correspondent, S.M.G. Girls High School, Gudur, Nellore District
5. 2 CCs to G.P.for School Education, High Court Buildings, Hyderabad

2.2CD copies

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